

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CURTIS McDANIEL,	:	
	:	<b><u>ORDER</u></b>
Plaintiff,	:	
	:	19-CV-3526 (JPO) (JLC)
- against -	:	
	:	
CITY OF NEW YORK, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**JAMES L. COTT, United States Magistrate Judge.**

Plaintiff Curtis McDaniel brings this action under 42 U.S.C. § 1983, asserting claims for false arrest, false imprisonment, malicious prosecution, and excessive force.

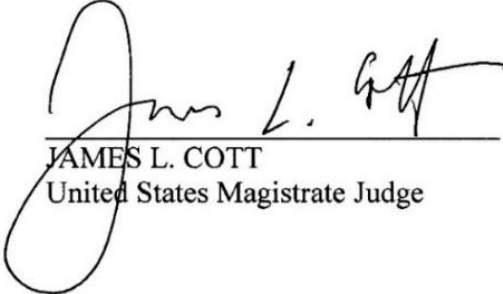
By letter dated December 3, 2019, the City requests a stay of this action in its entirety until (30) days after the resolution of the Civilian Complaint Review Board (“CCRB”) investigation into the events underlying plaintiff’s allegations. Plaintiff has not made any submission opposing the City’s application, and it has now been two weeks since the request was filed. Accordingly, the City’s motion for a stay of the instant action pending resolution of the CCRB investigation is granted. Moreover, the Court concludes that any prejudice to plaintiff is modest and is diminished by the fact that the CCRB is investigating his claims. Depending on the outcome of the investigation, there may be information available to the parties and the Court that will make the lawsuit more efficient and developed on a more complete record. For plaintiff’s information, it is typical in these circumstances for a court to grant a stay.

However, the Court will not stay this action indefinitely. The City is directed to submit a letter on **January 31, 2020** and every 45 days thereafter, updating the Court on the status of the CCRB investigation, and to notify the Court immediately when the investigation concludes so that the stay can be lifted and the case can proceed.

The Clerk of Court is directed to terminate the letter-motion at Docket No. 28 and mark it as granted.

**SO ORDERED.**

Dated: December 17, 2019  
New York, New York



JAMES L. COTT  
United States Magistrate Judge

**A copy of this Order has been mailed to the following:**

Curtis McDaniel  
NYSID: 00474252R  
B&C No. 3491901551  
Anna M. Kross Correctional Facility  
18-18 Hazen Street  
East Elmhurst, NY 11370